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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT TACOMA

8 DEANNA COMSTOCK,

9 Plaintiff,

v.

10 STATE OF WASHINGTON CHILD
11 PROTECTIVE SERVICES, et al.,

12 Defendants.

CASE NO. C19-5537 BHS

ORDER ADOPTING REPORT
AND RECOMMENDATION

13 This matter comes before the Court on the Report and Recommendation (“R&R”)
14 of the Honorable J. Richard Creatura, United States Magistrate Judge, Dkt. 13, and
15 Plaintiff Deanna Comstock’s (“Comstock”) objections to the R&R, Dkt. 14.

16 On November 11, 2019, Judge Creatura issued the R&R recommending that the
17 Court dismiss Comstock’s second amended complaint with prejudice for failure to state a
18 claim. Dkt. 13. On December 6, 2019, Comstock filed another proposed amended
19 complaint and objections. Dkt. 14.

20 The district judge must determine de novo any part of the magistrate judge’s
21 disposition that has been properly objected to. The district judge may accept, reject, or
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1 modify the recommended disposition; receive further evidence; or return the matter to the
2 magistrate judge with instructions. Fed. R. Civ. P. 72(b)(3).

3 In this case, the Court agrees with Judge Creatura that Comstock has failed to state
4 a claim after the Court has afforded her multiple opportunities. Comstock fails to
5 properly assert jurisdiction or identify the actors that allegedly violated her rights.
6 Instead, Comstock asserts general allegations that the State illegally took her children. It
7 remains unclear when this happened, who took her children, and whether she has
8 exhausted her available state court remedies. Therefore, the Court having considered the
9 R&R, Plaintiff's objections, and the remaining record, does hereby find and order as
10 follows:

- 11 (1) The R&R is **ADOPTED**;
- 12 (2) Comstock's motion to proceed *in forma pauperis* is **DENIED**;
- 13 (3) Comstock's complaint is **DISMISSED**; and
- 14 (4) The Clerk shall enter a JUDGMENT and close the case.

15 Dated this 10th day of February, 2020.

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18 BENJAMIN H. SETTLE
19 United States District Judge
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